

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION**

APPLETON PAPERS INC. and)	
NCR CORPORATION,)	
)	
Plaintiffs,)	
)	
v.)	No. 08-CV-00016-WCG
)	
GEORGE A. WHITING PAPER COMPANY, <i>et al.</i> ,)	
)	
Defendants.)	

STIPULATION REGARDING THE FRG
“NON-AGREEMENT COSTS” SOUGHT BY DEFENDANTS

The undersigned parties stipulate and agree to the following:

1. Defendants withdraw their argument that any of the FRG’s Non-Agreement Costs, as identified in Exhibit F of Mark Travers’ December 2, 2011 expert report (the “Non-Agreement Costs”), are recoverable under CERCLA as activities related to natural resources damages or as necessary response costs incurred consistent with the National Contingency Plan (“NCP”).

Defendants will not offer any evidence (whether in the form of documents, expert opinion, or other testimony) for the sole purpose of supporting this argument at trial, nor will they raise this argument in any post-trial briefing.

2. Plaintiffs will not call their expert witness, Jeffrey Zelikson, or submit written direct testimony from Mr. Zelikson, on the issue of whether the Non-Agreement Costs are necessary response costs incurred consistent with the NCP. In addition, Plaintiffs’ expert witness, Robert Rock, will not offer any opinions regarding the necessity of the Non-Agreement Costs.

DATED: February 22, 2012

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